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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 KEVIN KEITHLEY and TREN
14 TECHNOLOGIES HOLDINGS, LLC,

15 Plaintiffs,

16 v.

17 THE HOMESTORE.COM, INC., THE
18 NATIONAL ASSOCIATION OF REALTORS,
and THE NATIONAL ASSOCIATION OF
HOME BUILDERS OF THE UNITED STATES,

19 Defendants.
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CASE No. C03-04447 MJJ (EDL)

**STIPULATION AND ~~[PROPOSED]~~
ORDER REGARDING CASE
MANAGEMENT CONFERENCE
HELD ON MARCH 6 AND 7, 2007**

1 The Court conducted a Case Management Conference (“CMC”) on January 23, 2007. Scott
2 R. Mosko appeared for Plaintiffs. Bruce J. Rose appeared for Defendants. During the CMC, the
3 Court inquired of Defendants about the status of the production pursuant to The Honorable Elizabeth
4 Laporte’s December 19, 2006 Order compelling production of documents. Defendants responded
5 that they expected to complete their production shortly. In addition, the Court stated that the earlier-
6 exchanged and/or filed claim construction materials were not helpful. The Court further indicated
7 that it would follow a schedule consistent with the one set forth in Plaintiffs’ portion of the Joint
8 CMC Statement, filed on January 18, 2007.

9 On March 6, 2007, the Court conducted a further CMC. The parties and the Court discussed
10 the status of Defendants’ production. Thereafter the parties conferred. Defendants offered to
11 provide a written response to the issues raised regarding their production. Defendants also agreed to
12 produce exemplary additional report documents identified in a May 6, 2007 declaration executed by
13 Daniel Lanovaz to the extent they exist. On March 7, the Court conducted a further CMC. In light
14 of the agreements reached between the parties, the Claim Construction hearing of May 16 was
15 postponed for a short period in order for the parties to resolve the discovery issues and for
16 Defendants to produce the report documents. The Court then ordered the parties to submit a
17 stipulation setting forth new dates as they concern the postponed Claim Construction hearing.
18 Pursuant thereto, the parties have conferred and submit the following stipulation:

19 **IT IS HEREBY STIPULATED:**

- 20 1. The Court will only construe ten terms at the Claim Construction hearing. On or
21 before March 16, 2007, the parties are to exchange no more than ten proposed terms they believe the
22 Court should construe consistent with Patent L.R. 4-1;
- 23 2. Defendants shall respond to the March 6th Lanovaz Declaration by March 16, 2007;
- 24 3. Defendants will produce exemplary copies of all reports identified in the March 6th
25 Lanovaz Declaration to the extent they exist by March 23, 2007;
- 26 4. To the extent a term exists on both lists exchanged on March 16, that term will be
27 construed by the Court. Regarding terms that do not exist on both lists, beginning with the Plaintiffs,
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1 each side will select a term to be construed until a total of ten terms are identified. The parties shall
2 complete the selection process by March 23, 2007;

3 5. The parties are to exchange preliminary constructions, consistent with Patent L.R. 4-2
4 by April 20, 2007;

5 6 A Joint Claim Construction Statement shall be filed on April 27, 2007 (Patent L.R. 4-
6 3);

7 7. The Court will refer this matter to its mediation program. The parties and the selected
8 mediator shall use their best efforts to schedule a mediation before April 27, 2007;

9 8. Claim Construction discovery shall be completed by May 4, 2007;

10 9. Plaintiffs' Claim Construction Opening Brief shall be filed on May 9, 2007;

11 10. A tutorial shall occur on May 15, 2007, beginning at 3:30 p.m.;

12 11. Defendants' Claim Construction Responding Brief shall be filed on May 23, 2007;

13 12. Plaintiffs' Claim Construction Reply Brief shall be filed on May 30, 2007; and

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13. The Claim Construction hearing will be held on June 13, 2007 at 2:30 p.m. and will be continued to June 20, 2007 at 2:30 p.m. if necessary.

Pursuant to General Order No. 45 X.B, the electronic filer of this document attests under penalty of perjury that she has the concurrence of each of the signatories to this Stipulation and [Proposed] Order Regarding Case Management Conference Held On January 23, 2007.

FINNEGAN, HENDERSON, FARABOW
GARRETT, DUNNER, LLP

By: /s/
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Kevin Keithley and Tren Technologies
Holdings, LLC

ALSTON AND BIRD

By: /s/
Bruce J. Rose
Attorneys for Defendants The Homestore.com,
Inc., The National Association of Realtors and
the National Association of Home Builders of
the United States

IT IS SO ORDERED:

Dated: 3/13/2007


MARTIN J. JENKINS
United States District Judge